

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

OMAR TOUQAN,

Plaintiff,

v.

Case No.: 8:22-cv-02505-KKM-AAS

CELL FIX, INC.,

Defendant.

/

ORDER

Plaintiff Omar Touqan moves to compel Defendant Cell Fix, Inc. (Cell Fix) to provide complete discovery responses to his Second Set of Interrogatories and Second Request for Production of Documents (Doc. 26).

Mr. Touqan's counsel attempted to comply with Local Rule 3.01(g) M.D. Fla., by sending Cell Fix's counsel a letter demanding supplemental discovery responses by September 22, 2023. (*See* Doc. 26-3). Local Rule 3.01(g) provides that "[b]efore filing a motion in a civil action, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, or to certify a class, the movant must confer with the opposing party in a good faith effort to resolve the motion. The purpose of Local Rule 3.01(g) "is to require the parties to communicate and resolve certain types of disputes without court intervention." *Desai v. Tire Kingdom, Inc.*, 944 F. Supp. 876, 878 (M.D. Fla.

1996). The term “communicate” has been defined as “to speak to each other in person or by telephone, in a good faith attempt to resolve disputed issues.” *Davis v. Apfel*, No. 6:98-CV-651-ORL-22A, 2000 WL 1658575 at n. 1 (M.D. Fla. Aug. 14, 2000); *see also See Fox v. Lake Erie Coll. of Osteopathic Med., Inc.*, No. 8:19-CV-2795-T-60AAS, 2021 WL 9594006, at *1 (M.D. Fla. Sept. 9, 2021) (“This pre-filing requirement contemplates a substantive discussion, not a one-way communication, such as a letter without further discussion.”).

Mr. Touqan’s counsel’s letter does not comply with the requirements of Local Rule 3.01(g), M.D. Fla. Thus, Mr. Touqan’s motion to compel (Doc. 26) is **DENIED without prejudice.**

ORDERED in Tampa, Florida on September 26, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge